

UNITED STATE BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

In re:	)	Case No. 15-47631-705
	)	
BREANN L. JOHNSON,	)	Chapter 7
	)	
Debtor.	)	<b>MOTION TO COMPEL</b>
	)	<b>TURNOVER WITH SANCTIONS</b>
TRACY A. BROWN,	)	
	)	
Chapter 7 Trustee/Movant,	)	
vs.	)	Hearing Date: June 15, 2016
	)	Hearing Time: 9:30 a.m.
	)	Response Due: June 8, 2016
BREANN L. JOHNSON,	)	Hearing Location: Courtroom 7 South
	)	
Debtor/Respondent.	)	

**NOTICE OF HEARING**

PLEASE TAKE NOTICE that on the 15th day of June 2016, at the hour of 9:30 a.m., or as soon thereafter as counsel can be heard, the undersigned will call for hearing in this Court the Trustee's Motion to Compel Turnover, in United States Bankruptcy Court, Courtroom 7 South, 7th Floor, 111 S. 10<sup>th</sup> Street, St. Louis, MO 63102. You may be present at that time and be heard.

**WARNING: A written response must be filed with the Clerk, US Bankruptcy Court, 111 S. 10<sup>th</sup> Street, 4<sup>th</sup> Floor, St. Louis, MO 63102 and a copy served upon the undersigned by June 8, 2016. (See L.B.R. 9013-1 B). Failure to timely file a written response may result in the Court granting the relief requested prior to the hearing date.**

**MOTION TO COMPEL TURNOVER WITH SANCTIONS**

COMES NOW Tracy A. Brown, duly appointed Trustee herein, by and through her undersigned attorney, and for her Motion to Compel, respectfully states to this Honorable Court as follows:

1. This court has Jurisdiction over the subject matter of this proceeding pursuant to U.S.C. §§ 151, 157 and 1334, and Local Rule 9.01 of the United States District Court, Eastern District of Missouri.

2. This is a "core proceeding" pursuant to 28 U.S.C. § 157(b)(2)(A) and (E), which

the Court may hear and determine.

3. On or about October 8, 2015, Breann L. Johnson (“Debtor”) filed a Petition for Relief pursuant to Chapter 7 of the United States Bankruptcy Code.

4. Tracy A. Brown is the duly appointed and acting Chapter 7 Trustee herein.

5. Pursuant to 11 U.S.C. §§521 (3), (4) and 542(a) and Federal Rule of Bankruptcy Procedure §4002(4), the Debtor is obligated to cooperate with the Trustee in the administration of the estate and to surrender to the Trustee all property of the estate, including but not limited to all documents, papers, records and information.

6. Debtor’s Meeting of Creditors was scheduled for and held on November 13, 2015. Prior to and at the meeting, Trustee requested the following item(s) from Debtor and Debtor’s counsel:

Outstanding Items Requested by Trustee:
<ul style="list-style-type: none"><li>• Copy of Debtor’s Fifth Third Bank checking and savings account statements covering the petition date of October 8, 2015.</li></ul>

7. Subsequently, on December 4, 2015, Trustee made the same request for the aforementioned items by fax to Counsel for Debtor.

8. To date, approximately seven months after this case was filed, Debtor still has not complied with Trustee’s request.

10. As a direct result of Debtor’s failure to provide the information and/or property requested, the Trustee has incurred expenses and attorney’s fees which would not have been incurred had Debtor simply cooperated with the Trustee and provided the information and/or property as and when requested.

WHEREFORE, Trustee respectfully requests that this Honorable Court enter an Order

compelling the Debtor to file and turnover the Ingersoll Rand pay card account statement within seven (7) days after entry of an Order approving this Motion; also compelling Debtor to immediately pay the Trustee's attorney's fees of \$500.00 and costs expended herein; for daily sanctions at the discretion of the Court for continual non-compliance; and, granting such other relief as is just and proper.

Respectfully Submitted,

The Law Office of Tracy A. Brown, P. C.

By: /s/ LaShea C. Borden  
LaShea C. Borden, #63418MO  
Tara L. Jensen, #47144MO  
Attorney for Trustee  
1034 S. Brentwood Blvd, Suite 1830  
St. Louis, MO 63117  
lborden@bktab.com  
(314) 644-0303  
(314) 644-0333 fax

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was served either through the Court's ECF system or by regular mail this 3rd day of May, 2016 on the following:

Breann L. Johnson  
4420 Sexaur Avenue  
St. Louis, MO 63115  
*Debtor*

Sean C. Paul  
8917 Gravois Road  
St. Louis, MO 63123  
*Attorney for Debtor*

Office of the United States Trustee  
111 S. 10<sup>th</sup> Street, Suite 6353  
St. Louis, MO 63102

/s/  
Debbie Gibson